

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
) 8:12CR26
Plaintiff,)
)
vs.) ORDER
)
TECUMSEH WOLF,)
)
Defendant.)

This matter is before the court on the motion to determine competency by defendant Tecumseh Wolf (Wolf) (Filing No. 31). Wolf supported his motion with a May 8, 2012, forensic psychological evaluation conducted by Kirk A. B. Newring, Ph.D. The court held a hearing on the motion on May 24, 2012. Wolf was present with his counsel, First Assistant Federal Public Defender Shannon P. O'Connor. The United States was represented by Assistant U.S. Attorney Douglas R. Semisch.

The government requested Wolf be committed to a Bureau of Prisons medical facility for the purpose of a study and competency evaluation. Wolf had no objection to a further evaluation; however, Wolf objected to a commitment to a Bureau of Prisons medical facility as being unnecessary and urged a local evaluation. See *United States v. Neal*, ___F.3d___, 2012 WL 1758816 (8th Cir. May 18, 2012). The court agrees and finds Wolf is not such a danger to the community as to require a commitment to a Bureau of Prisons medical facility for observation and evaluation. The government may select a psychologist and/or psychiatrist to conduct a forensic evaluation of Wolf to determine Wolf's competency to stand trial in accordance with 18 U.S.C. § 4241. Wolf shall report to such psychologist and/or psychiatrist as directed for evaluation. Following such evaluation, the government's psychologist and/or psychiatrist shall provide government's counsel with a forensic report

which shall, in turn, be provided to the court and opposing counsel. Whereupon, the court will schedule a competency hearing pursuant to 18 U.S.C. § 4247(d).

IT IS SO ORDERED.

DATED this 24th day of May, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge